



PUBLIC NOTICE

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Federal Communications Commission

**445 12th St., S.W.
Washington, D.C. 20554**

**DA 04-2442
July 30, 2004**

COMMENTS INVITED ON APPLICATION OF WINSTAR COMMUNICATIONS, LLC, AND CERTAIN OF ITS SUBSIDIARIES TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 04-284

Comp. Pol. File No. 688

Comments Due: August 13, 2004

Section 214 Application

Applicants: Winstar Communications, LLC; Winstar Communications of Arizona, LLC; Winstar of Delaware, LLC; Winstar of Georgia, LLC; Winstar of Hawaii, LLC; Winstar of Indiana, LLC; Winstar of Louisiana, LLC; Winstar of New Jersey, LLC; Winstar of New York, LLC; Winstar of Pennsylvania, LLC; Winstar of Virginia, LLC; and Winstar of West Virginia, LLC

On July 15, 2004, Winstar Communications, LLC, located at 520 Broad Street, Newark, NJ 07102 filed an application with the Federal Communications Commission (FCC or Commission) on behalf of itself and certain of its subsidiaries including Winstar Communications of Arizona, LLC; Winstar of Delaware, LLC; Winstar of Georgia, LLC; Winstar of Hawaii, LLC; Winstar of Indiana, LLC; Winstar of Louisiana, LLC; Winstar of New Jersey, LLC; Winstar of New York, LLC; Winstar of Pennsylvania; Winstar of Virginia, LLC; and Winstar of West Virginia, LLC (collectively, Winstar or Applicants), requesting authority, under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C.

§ 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services to customers in certain geographic areas.

In its application, Winstar indicates that it plans to discontinue the provision of local, domestic and international long distance, toll free, ATM, frame-relay, switched private line, and other high-speed data transmission services to non-federal customers in a number of locations nationwide. Specifically, Winstar seeks authority to discontinue ATM, frame relay, and switched private line services in the District of Columbia and all states except Alaska, Maine, and Vermont. Additionally Winstar requests authority to discontinue local, domestic and international long distance, toll free, and other high-speed data transmission services in

Connecticut, the District of Columbia, Maryland, New Jersey, New York, and Virginia. In a letter dated July 30, 2004, Winstar clarified that it also seeks authority to discontinue high-speed data transmission services and/or local exchange, long distance and toll free services to a relatively small number Arizona, California, Colorado, Connecticut, Florida, Illinois, Indiana, Massachusetts, Minnesota, Pennsylvania, Rhode Island, Texas and Washington. Winstar states that it intends to discontinue the relevant services to these customers on August 31, 2004 (for service locations outside of Oregon) and September 30, 2004 (for service locations in Oregon) or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained. Winstar indicates that this application does not affect its federal government customers, Winstar's fixed wireless services and offerings supporting mobile carrier infrastructures; cable, Wi-Fi and other backhaul systems; private circuits; closed networks; and spectrum lease offerings, all offered nationwide. Winstar further states that it provided written notice to all affected customers by one of three letters mailed out on either June 15, 2004, June 18, 2004, or June 30, 2004 in conformance with section 63.71(a) of the Commission's rules.

In accordance with section 63.71(c) of the Commission's rules, the application, as clarified by Winstar, will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicants that the grant will not be automatically effective. In Winstar's application, and notice to its customers, Winstar indicated that it would not discontinue service to customers in the District of Columbia and all states except Oregon until August 31, 2004, and to customers in Oregon until September 31, 2004, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained. Accordingly, pursuant to section 63.71(c), absent further Commission action, Winstar may not terminate to the customers in Oregon affected by this application until September 30, 2004, and to all other affected customers until August 31, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **August 13, 2004**. Such comments should refer to **WC Docket No. 04-284** and **Comp. Pol. File No. 688**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also

be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or John Adams, (202) 418-0394 (voice), john.adams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit [http://www.fcc.gov/wcb/cpd/other adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

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